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7 **BEFORE THE**  
8 **BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
12 Against:

13 LAURIE ANN GILLESPIE aka LAURIE ANN  
14 MOHONEY  
15 23745 San Estaban  
16 Mission Viejo, CA 92691

17 and

18 LAURIE ANN GILLESPIE aka LAURIE ANN  
19 MOHONEY  
20 839 Curry Drive  
21 Hemet, CA 92545

22 Registered Nurse License No. 541832

23 Respondent.

Case No. 2003-57

**DEFAULT DECISION  
AND ORDER**

[Gov. Code, §11520]

24 **FINDINGS OF FACT**

25 1. On or about December 27, 2007, Complainant Ruth Ann Terry, M.P.H.,  
26 R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing  
27 (Board), filed Petition to Revoke Probation Case No. 2003-57 against Laurie Ann Gillespie aka  
28 Laurie Ann Mohoney (Respondent) before the Board.

2. On or about March 17, 1998, the Board issued Registered Nurse License  
No. 541832 to Respondent. The Registered Nurse License expired on November 30, 2001, and  
has not been renewed. Effective December 29, 2004, pursuant to the Decision and Order in  
Petition Case No. 2003-57, the Board revoked Respondent's Registered Nurse License No.

1 541832. The revocation was stayed and Respondent's license was placed on probation for a  
2 period of three (3) years with conditions. A copy of the Decision and Order is attached as  
3 Exhibit A and is incorporated by reference.

4 3. On or about January 23, 2008, Henrietta Gaviola, an employee of the  
5 Department of Justice, served by Certified and First Class Mail a copy of the Petition to Revoke  
6 Probation Case No. 2003-57 , Statement to Respondent, Notice of Defense, Request for  
7 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's  
8 addresses of record with the Board, which was and is:  
9 23745 San Estaban, Mission Viejo, CA 92691; and  
10 839 Curry Drive, Hemet, CA 92545

11 A copy of the Petition is attached as exhibit B, and are incorporated herein by reference.

12 4. Service of the Petition was effective as a matter of law under the  
13 provisions of Government Code section 11505, subdivision (c).

14 5. The aforementioned Certified green card (Hemet address) was returned  
15 signed. A copy of the returned card is attached as exhibit C, and are incorporated herein by  
16 reference.

17 6. Government Code section 11506 states, in pertinent part:

18 "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
20 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
21 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

22 7. Respondent failed to file a Notice of Defense within 15 days after service  
23 upon her of the Petition, and therefore waived her right to a hearing on the merits of the Petition  
24 Case No. 2003-57 .

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8. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the evidence before it, finds that the allegations in Petition Case No. 2003-57 are true.

10. The total costs for investigation and enforcement are \$1,537.25 as of May 27, 2009.

#### DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Laurie Ann Gillespie aka Laurie Ann Mohoney subjected her Registered Nurse License No. 541832 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Petition:

a. Respondent violated the conditions of her probations, specifically as to Condition No. 3. (Respondent failed to comply with the probation program).

b. Respondent violated the conditions of her probations, specifically as to Condition No. 4. (Respondent failed to report in person).

c. Respondent violated the conditions of her probations, specifically as to Condition No. 6. (Respondent failed to submit written reports).

d. Respondent violated the conditions of her probations, specifically as to Condition No. 8. (Respondent failed to engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months).

e. Respondent violated the conditions of her probations, specifically as to Condition No. 12. (Respondent failed to complete a nursing course).

///

1 f. Respondent violated the conditions of her probations, specifically  
2 as to Condition No. 13. (Respondent failed to pay cost recovery).

3 g. Respondent violated the conditions of her probations, specifically  
4 as to Condition No. 15. (Respondent failed to submit to a physical exam assessment).

5 h. Respondent violated the conditions of her probations, specifically  
6 as to Condition No. 16. (Respondent failed to participate in treatment/rehabilitation  
7 program).

8 i. Respondent violated the conditions of her probations, specifically  
9 as to Condition No. 18. (Respondent failed to participate in Board's drug screening).

10 j. Respondent violated the conditions of her probations, specifically  
11 as to Condition No. 19. (Respondent failed to submit to a mental health assessment).

12 k. Respondent violated the conditions of her probations, specifically  
13 as to Condition No. 20. (Respondent failed to participate in therapy or a counseling  
14 program).

15 l. Respondent failed to maintain her registered nurse license in a  
16 current active status.

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18 **LOCATION OF DOCUMENTS**

19 The Record upon which this Default Decision and Order is based is located at the  
20 Sacramento office of the Board.

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ORDER

IT IS SO ORDERED THAT:

1. Registered Nurse License No. 541832, heretofore issued to Respondent Laurie Ann Gillespie aka Laurie Ann Mohoney is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on 12-24-09.

It is so ORDERED 11-24-09



FOR THE BOARD OF REGISTERED NURSING  
STATE OF CALIFORNIA

Attachments:

Exhibit A: Decision and Order

Exhibit B: Petition

Exhibit C: Returned Certified green card

GILL.DEF.WPD

DOJ docket number:LA2006600194

# Exhibit A

SACRAMENTO  
REGISTERED NURSING  
BOARD OF

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1 EDMUND G. BROWN JR. Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE,  
Supervising Deputy Attorney General  
3 GLORIA BARRIOS, State Bar No. 94811  
Supervising Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2540  
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
Against:

Case No. 2003-57

12 LAURIE ANN GILLESPIE aka  
13 LAURIE ANN MOHONEY  
23745 San Estaban  
14 Mission Viejo, CA 92691

**PETITION TO REVOKE  
PROBATION**

15 Registered Nurse License No. 541832

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Petition to  
21 Revoke Probation solely in her official capacity as the Executive Officer of the Board of  
22 Registered Nursing, Department of Consumer Affairs (Board).

23 2. On or about March 17, 1998, the Board issued Registered Nurse License  
24 No. 541832 to Laurie Ann Gillespie aka Laurie Ann Mohoney (Respondent). Effective  
25 December 29, 2004, the Board of Registered Nursing in a disciplinary action entitled "In the  
26 Matter of the Accusation Against Laurie Ann Gillespie aka Laurie Ann Mohoney," Case No.  
27 2003-57, issued a decision, in which Respondent's Registered Nurse License was revoked.  
28 However, the revocation was stayed and Respondent's license was placed on probation for a

1 period of three (3) years with certain terms and conditions. A copy of that decision is attached as  
2 Exhibit A and incorporated by reference. Respondent's Registered Nurse License expired on  
3 November 30, 2001, and has not been renewed.

#### 4 JURISDICTION

5 3. This Petition to Revoke Probation is brought before the Board, under the  
6 authority of the following laws. All Section references are to the Business and Professions Code  
7 unless otherwise indicated.

8 4. Section 2750 provides, in pertinent part, that the Board may discipline any  
9 licensee, including a licensee holding a temporary or an inactive license, for any reason provided  
10 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

11 5. Section 2764 provides, in pertinent part, that the expiration of a license  
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
13 licensee or to render a decision imposing discipline on the license. Under Section 2811,  
14 subdivision (b), the Board may renew an expired license at any time within eight years after the  
15 expiration.

16 6. Section 118, subdivision (b), provides that the suspension, expiration,  
17 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
18 disciplinary action during the period within which the license may be renewed, restored, reissued  
19 or reinstated.

20 7. Section 125.3 provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licensee found to have committed a violation or violations  
22 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

#### 24 **PETITION TO REVOKE PROBATION**

#### 25 PROBATION TERMS

26 8. Among the terms and conditions imposed on Respondent by the Board in  
27 Case No. 2003-57, are:

28 3. **Comply with the Board's Probation Program.** Respondent shall fully comply



1 with the conditions of the Probation Program established by the Board and cooperate with the  
2 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
3 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
more than 15 days of any address change and shall at all times maintain an active, current license  
status with the Board, including any period of suspension.

4 **4. Report in Person.** Respondent, during the period of probation, shall appear in  
5 person at interviews/meetings as directed by the Board or its designated representatives.

6 **6. Submit Written Reports.** Respondent, during the period of probation, shall  
7 submit or cause to be submitted such written reports/declarations and verification of actions  
8 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
statements relative to Respondent's compliance with all the conditions of the Board's Probation  
Program. Respondent shall immediately execute all release of information forms as may be  
required by the Board or its representatives.

9 **8. Function as a Registered Nurse.** Respondent, during the period of probation,  
10 shall engage in the practice of registered nursing in California for a minimum of 24 hours per  
week for 6 consecutive months or as determined by the Board.

11 For purposes of compliance with the section, "engage in the practice of registered  
12 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
work in any non-direct patient care position that requires licensure as a registered nurse.

13 The Board may require that advanced practice nurses engage in advanced practice nursing  
14 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

15 If Respondent has not complied with this condition during the probationary term, and  
16 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
condition, and if no other conditions have been violated, the Board, in its discretion, may grant  
an extension of Respondent's probation period up to one year without further hearing in order to  
comply with this condition. During the one year extension, all original condition of probation  
shall apply.

17 **12. Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll  
18 and successfully complete a course(s) relevant to the practice of registered nursing no later than  
six months prior to the end of her probationary term.

19 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
20 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
above required course(s). The Board shall return the original documents to Respondent after  
photocopying them for its records.

21 **13. Cost Recovery.** Respondent shall pay to the Board costs associated with its  
22 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
amount of \$5,500.00. Respondent shall be permitted to pay these costs in a payment plan  
approved by the Board, with payments to be completed no later than three months prior to the  
end of the probation term.

23 **15. Physical Examination.** Within 45 days of the effective date of this  
24 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
physical assistant, who is approved by the Board before the assessment is performed, submit an  
25 assessment of the Respondent's physical condition and capability to perform the duties of a  
registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
26 medically determined, a recommended treatment program will be instituted and followed by the  
Respondent with the physician, nurse practitioner, or physician assistant providing written  
27 reports to the Board on forms provided by the Board.

28 If Respondent is determined to be unable to practice safely as a registered nurse, the  
licensed physician, nurse practitioner, or physician assistant making this determination shall

1 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
2 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
3 shall immediately cease practice and shall not resume practice until notified by the Board.  
4 During this period of suspension, Respondent shall not engage in any practice for which a license  
5 issued by the Board is required until the Board has notified Respondent that a medical  
6 determination permits Respondent to resume practice. This period of suspension will not apply  
7 to the reduction of this probationary time period.

8 If Respondent fails to have the above assessment submitted to the Board within the 45-  
9 day requirement, Respondent shall immediately cease practice and shall not resume practice until  
10 notified by the Board. This period of suspension will not apply to the reduction of this  
11 probationary time period. The Board may waive or postpone this suspension only if significant,  
12 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
13 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
14 Only such waiver or extension may be permitted.

15 **16. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

16 Respondent, at her expense, shall successfully complete during the probationary period or  
17 shall have successfully completed prior to commencement of probation a Board-approved  
18 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
19 submitted by the program on forms provided by the Board. If Respondent has not completed a  
20 Board-approved treatment/rehabilitation program prior to commencement of probation,  
21 Respondent within 45 days from the effective date of the decision, shall be enrolled in a program.  
22 If a program is not successfully completed within the first nine months of probation, the Board  
23 shall consider Respondent in violation of probation.

24 Based on Board recommendation, each week Respondent shall be required to attend at  
25 least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
26 Anonymous, Alcoholic Anonymous, etc.) and a nurse support group as approved and directed by  
27 the Board. If a nurse support group is not available, an additional 12-step meeting or equivalent  
28 shall be added. Respondent shall submit dated and signed documentation confirming such  
attendance to the Board during the entire period of probation. Respondent shall continue with  
the recovery plan recommended by the treatment/rehabilitation program or a licensed mental  
health examiner.

1 **18. Submit to Tests and Samples.**

2 Respondent, at her expense, shall participate  
3 in a random, biological fluid testing or a drug screening program which the Board approves. The  
4 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
5 for keeping the Board informed of Respondent's current telephone number at all times.  
6 Respondent shall also ensure that messages may be left at the telephone number when she is not  
7 available and ensure that reports are submitted directly by the testing agency to the Board by the  
8 program and Respondent shall be considered in violation of probation.

9 In addition, Respondent, at any time during the period, shall fully cooperate with the  
10 Board or any of its representatives, and shall, when requested, submit to such tests and samples  
11 as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics,  
12 dangerous drugs, or other controlled substances.

13 If Respondent has a positive drug screen for any substance not legally authorized and not  
14 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
15 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
16 practice pending the final decision on the petition to revoke probation or the accusation. This  
17 period of suspension will not apply to the reduction of this probationary period.

18 If Respondent fails to participate in a random, biological fluid testing or drug screening  
19 program within the specified time frame, Respondent shall immediately cease practice and shall  
20 not resume practice until notified by the Board. After taking into account documented evidence  
21 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
22 suspend Respondent from practice pending the final decision on the petition to revoke probation  
23 or the accusation. This period of suspension will not apply to the reduction of this probationary

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d. Probation Condition No. 8, Function as a Registered Nurse, by failing to work as a registered nurse for the minimum of 24 hours per week for 6 consecutive months.

e. Probation Condition No. 12, Complete a Nursing Course, by failing to complete any nursing course(s).

f. Probation Condition No. 13, Cost Recovery, by failing to make any payments to the Board. Her balance is \$2,000.00.

g. Probation Condition No. 15, Physical Examination, by failing to obtain a physical examination.

h. Probation Condition No. 16, Participate in Treatment/Rehabilitation Program for Chemical Dependence, by failing to enroll in a treatment/rehabilitation program.

i. Probation Condition No. 18, Submit to Tests and Samples, by failing to submit to drug testing.

j. Probation Condition No. 19, Mental Health Examination, by failing to undergo a mental health examination.

j. Probation Condition No. 20, Therapy or Counseling Program, by failing to participate in a therapy or counseling program.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 2003-57 and imposing the disciplinary order that was stayed thereby revoking Registered Nurse License No. 541832 issued to Laurie Ann Gillespie aka Laurie Ann Mohoney;

2. Revoking or suspending Registered Nurse License No. 541832, issued to Laurie Ann Gillespie aka Laurie Ann Mohoney;

3. Ordering Laurie Ann Gillespie aka Laurie Ann Mohoney to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED:

Dec. 27, 2007

*John Bauer for Ruth Ann Terry*  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Complainant

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**Exhibit A**

**Decision and Order**

**Board of Registered Nursing Case No. 2003-57**

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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Laurie A. Gillespie  
aka Laurie Ann Mahoney  
910 N French Street  
Santa Ana, CA 92701

Registered Nurse License No. 541832

Respondent

Case No. 2003-57

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on December 29, 2004.

IT IS SO ORDERED November 29, 2004.

*Sandra L. Erickson*

President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 BILL LOCKYER, Attorney General  
of the State of California  
2 STEPHEN A. MILLS, State Bar No. 54145  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2539  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2003-57

11 LAURIE A. GILLESPIE  
AKA LAURIE ANN MAHONEY  
12 910 No. French Street  
Santa Ana, CA 92701

OAH No. L-2003050084

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 Registered Nurse No. 541832

14 Respondent.  
15

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:  
19

20 PARTIES

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Bill Lockyer, Attorney General of the State of California, by  
24 Stephen A. Mills, Deputy Attorney General.

25 A. True and correct copy of Accusation No. 2003-57 is attached as  
26 "Exhibit A" and is incorporated by reference.

27 2. LAURIE A. GILLESPIE (Respondent) is representing herself in this  
28 proceeding and has chosen not to exercise her right to be represented by counsel.



1                   3.       Respondent is aware of her rights to be represented by an attorney or  
2 representative at a hearing on the allegations set forth in the Accusation, her right to discovery, to  
3 subpoena witnesses and present evidence, the right to reconsideration, appeal to the Superior and  
4 Appellate Courts, and any and all rights that may be accorded her pursuant to the Administrative  
5 Procedure Act and Code of Civil Procedure.

6                   4.       Respondent freely and voluntarily waives the aforesaid rights and agrees  
7 that the pending charges may be resolved by a stipulated decision by the Board which imposes  
8 discipline upon her.

9                   5.       For purposes of settlement of this matter, Respondent stipulates to the  
10 truth of the factual allegations and legal conclusion set forth in Accusation No. 2003-57,  
11 paragraphs 12 (a) (b) (c), (c) (1),(c) (2), and 13, inclusive. Said admissions will have no effect or  
12 admissibility in any other or collateral proceedings, and are limited to this or any other  
13 proceedings between Respondent and the Board of Registered Nursing.

14                  6.       Pursuant to the foregoing, Respondent stipulates that cause for disciplinary  
15 action has been established against her, as alleged in Accusation No. 2003-57.

16                  7.       It is understood by Respondent that in deciding whether to adopt this  
17 Stipulation, the Board of Registered Nursing may receive oral and written communication from  
18 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify  
19 the Board or any other persons from future participation in this or any other matter affecting  
20 Respondent. In the event this settlement is not adopted, except for this paragraph, which shall  
21 remain in effect.

22                  8.       In consideration of the foregoing, the parties agree that the Board may,  
23 without further notice or formal proceeding, issue and enter the following order:

24                               **DISCIPLINARY ORDER**

25                   IT IS HEREBY ORDERED that Registered Nurse No. 541832 issued to  
26 Respondent LAURIE A. GILLESPIE is revoked. However, the revocation is stayed and  
27 Respondent is placed on probation for three (3) years on the following terms and conditions.

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1                   **Severability Clause.** Each condition of probation contained herein is a separate  
2 and distinct condition. If any condition of this Order, or any application thereof, is declared  
3 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
4 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
5 and enforceable to the fullest extent permitted by law.

6                   2.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
7 A full and detailed account of any and all violations of law shall be reported by Respondent to  
8 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
9 compliance with this condition, Respondent shall submit completed fingerprint forms and  
10 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
11 as part of the licensure application process. Respondent shall submit a recent 2" x 2" photograph  
12 of herself within 45 days of the effective date of the final decision.

13                   3.       **Comply with the Board's Probation Program.** Respondent shall fully  
14 comply with the conditions of the Probation Program established by the Board and cooperate  
15 with representatives of the Board in its monitoring and investigation of the Respondent's  
16 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
17 within no more than 15 days of any address change and shall at all times maintain an active,  
18 current license status with the Board, including during any period of suspension.

19                   4       **Report in Person.** Respondent, during the period of probation, shall  
20 appear in person at interviews/meetings as directed by the Board or its designated  
21 representatives.

22                   5.       **Residency, Practice, or Licensure Outside of State.** Periods of  
23 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
24 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
25 of California. Respondent must provide written notice to the Board within 15 days of any change  
26 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
27 returning to practice in this state.

28 / /

1                   6.     **Submit Written Reports.** Respondent, during the period of probation,  
2 shall submit or cause to be submitted such written reports/declarations and verification of actions  
3 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
4 statements relative to Respondent's compliance with all the conditions of the Board's Probation  
5 Program. Respondent shall immediately execute all release of information forms as may be  
6 required by the Board or its representatives.

7                   7.     **Provide Decision.** Respondent shall provide a copy of this Decision to  
8 the nursing regulatory agency in every state and territory in which she has a registered nurse  
9 license.

10                  8.     **Function as a Registered Nurse.** Respondent, during the period of  
11 probation, shall engage in the practice of registered nursing in California for a minimum of 24  
12 hours per week for 6 consecutive months or as determined by the Board.

13                         For purposes of compliance with the section, "engage in the practice of registered  
14 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
15 work in any non-direct patient care position that requires licensure as a registered nurse.

16                         The Board may require that advanced practice nurses engage in advanced practice  
17 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the  
18 Board.

19                         If Respondent has not complied with this condition during the probationary term,  
20 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
21 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
22 grant an extension of Respondent's probation period up to one year without further hearing in  
23 order to comply with this condition. During the one year extension, all original conditions of  
24 probation shall apply.

25                  9.     **Employment Approval and Reporting Requirements.** Respondent  
26 shall obtain prior approval from the Board before commencing or continuing any employment,  
27 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
28 / /

1 performance evaluations and other employment related reports as a registered nurse upon request  
2 of the Board.

3 Respondent shall provide a copy of this Decision to her employer and immediate  
4 supervisors prior to commencement of any nursing or other health care related employment.

5 In addition to the above, Respondent shall notify the Board in writing within  
6 seventy-two (72) hours after she obtains any nursing or other health care related employment.  
7 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
8 terminated or separated, regardless of cause, from any nursing, or other health care related  
9 employment with a full explanation of the circumstances surrounding the termination or  
10 separation.

11 10. **Supervision.** Respondent shall obtain prior approval from the Board  
12 regarding Respondent's level of supervision and/or collaboration before commencing or  
13 continuing any employment as a registered nurse, or education and training that includes patient  
14 care.

15 Respondent shall practice only under the direct supervision of a registered nurse  
16 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
17 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
18 are approved.

19 Respondent's level of supervision and/or collaboration may include, but is not  
20 limited to the following:

21 (a) Maximum - The individual providing supervision and/or collaboration is  
22 present in the patient care area or in any other work setting at all times.

23 (b) Moderate - The individual providing supervision and/or collaboration is in  
24 the patient care unit or in any other work setting at least half the hours Respondent works.

25 (c) Minimum - The individual providing supervision and/or collaboration has  
26 person-to-person communication with Respondent at least twice during each shift worked.

27 (d) Home Health Care - If Respondent is approved to work in the home health  
28 care setting, the individual providing supervision and/or collaboration shall have person-to-

1 person communication with Respondent as required by the Board each work day. Respondent  
2 shall maintain telephone or other telecommunication contact with the individual providing  
3 supervision and/or collaboration as required by the Board during each work day. The individual  
4 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
5 site visits to patients' homes visited by Respondent with or without Respondent present.

6           **11. Employment Limitations.** Respondent shall not work for a nurse's  
7 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
8 traveling nurse, or for an in-house nursing pool.

9           Respondent shall not work for a licensed home health agency as a visiting nurse  
10 unless the registered nursing supervision and other protections for home visits have been  
11 approved by the Board. Respondent shall not work in any other registered nursing occupation  
12 where home visits are required.

13           Respondent shall not work in any health care setting as a supervisor of registered  
14 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
15 nurses and/or unlicensed assistive personnel on a case-by-case basis.

16           Respondent shall not work as a faculty member in an approved school of nursing  
17 or as an instructor in a Board approved continuing education program.

18           Respondent shall work only on a regularly assigned, identified and predetermined  
19 worksite(s) and shall not work in a float capacity.

20           If Respondent is working or intends to work in excess of 40 hours per week, the  
21 Board may request documentation to determine whether there should be restrictions on the hours  
22 of work.

23           **12. Complete a Nursing Course(s).** Respondent, at her own expense, shall  
24 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later  
25 than six months prior to the end of her probationary term.

26           Respondent shall obtain prior approval from the Board before enrolling in the  
27 course(s). Respondent shall submit to the Board the original transcripts or certificates of

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1 completion for the above required course(s). The Board shall return the original documents to  
2 Respondent after photocopying them for its records.

3           **13. Cost Recovery.** Respondent shall pay to the Board costs associated with  
4 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
5 amount of \$ 2,000.00. Respondent shall be permitted to pay these costs in a payment plan  
6 approved by the Board, with payments to be completed no later than three months prior to the  
7 end of the probation term.

8           If Respondent has not complied with this condition during the probationary term,  
9 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
10 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
11 grant an extension of Respondent's probation period up to one year without further hearing in  
12 order to comply with this condition. During the one year extension, all original conditions of  
13 probation will apply.

14           **14. Violation of Probation.** If Respondent violates the conditions of her  
15 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
16 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
17 license.

18           If during the period of probation, an accusation or petition to revoke probation has  
19 been filed against Respondent's license or the Attorney General's Office has been requested to  
20 prepare an accusation or petition to revoke probation against Respondent's license, the  
21 probationary period shall automatically be extended and shall not expire until the accusation or  
22 petition has been acted upon by the Board.

23           **License Surrender.** During Respondent's term of probation, if she ceases  
24 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
25 probation, Respondent may surrender her license to the Board. The Board reserves the right to  
26 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
27 take any other action deemed appropriate and reasonable under the circumstances, without  
28 / /

1 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
2 will no longer be subject to the conditions of probation.

3 Surrender of Respondent's license shall be considered a disciplinary action and  
4 shall become a part of Respondent's license history with the Board. A registered nurse whose  
5 license has been surrendered may petition the Board for reinstatement no sooner than the  
6 following minimum periods from the effective date of the disciplinary decision:

7 (1) Two years for reinstatement of a license that was surrendered for any  
8 reason other than a mental or physical illness; or

9 (2) One year for a license surrendered for a mental or physical illness.

10 15. **Physical Examination.** Within 45 days of the effective date of this  
11 Decision, Respondent, at her expense, shall have a licensed physician, nurse practitioner, or  
12 physician assistant, who is approved by the Board before the assessment is performed, submit an  
13 assessment of the Respondent's physical condition and capability to perform the duties of a  
14 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
15 medically determined, a recommended treatment program will be instituted and followed by the  
16 Respondent with the physician, nurse practitioner, or physician assistant providing written  
17 reports to the Board on forms provided by the Board.

18 If Respondent is determined to be unable to practice safely as a registered nurse,  
19 the licensed physician, nurse practitioner, or physician assistant making this determination shall  
20 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
21 Attorney General's office prepare an accusation or petition to revoke probation. Respondent  
22 shall immediately cease practice and shall not resume practice until notified by the Board.  
23 During this period of suspension, Respondent shall not engage in any practice for which a license  
24 issued by the Board is required until the Board has notified Respondent that a medical  
25 determination permits Respondent to resume practice. This period of suspension will not apply  
26 to the reduction of this probationary time period.

27 If Respondent fails to have the above assessment submitted to the Board within  
28 the 45-day requirement, Respondent shall immediately cease practice and shall not resume

1 practice until notified by the Board. This period of suspension will not apply to the reduction of  
2 this probationary time period. The Board may waive or postpone this suspension only if  
3 significant, documented evidence of mitigation is provided. Such evidence must establish good  
4 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
5 provided. Only one such waiver or extension may be permitted.

6           **16. Participate in Treatment/Rehabilitation Program for Chemical**  
7 **Dependence.** Respondent, at her expense, shall successfully complete during the probationary  
8 period or shall have successfully completed prior to commencement of probation a Board-  
9 approved treatment/rehabilitation program of at least six months duration. As required, reports  
10 shall be submitted by the program on forms provided by the Board. If Respondent has not  
11 completed a Board-approved treatment/rehabilitation program prior to commencement of  
12 probation, Respondent, within 45 days from the effective date of the decision, shall be enrolled in  
13 a program. If a program is not successfully completed within the first nine months of probation,  
14 the Board shall consider Respondent in violation of probation.

15           Based on Board recommendation, each week Respondent shall be required to  
16 attend at least one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics  
17 Anonymous, Alcoholics Anonymous, etc.) and a nurse support group as approved and directed  
18 by the Board. If a nurse support group is not available, an additional 12-step meeting or  
19 equivalent shall be added. Respondent shall submit dated and signed documentation confirming  
20 such attendance to the Board during the entire period of probation. Respondent shall continue  
21 with the recovery plan recommended by the treatment/rehabilitation program or a licensed  
22 mental health examiner and/or other ongoing recovery groups.

23           **17. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent  
24 shall completely abstain from the possession, injection or consumption by any route of all  
25 controlled substances, and all psychotropic (mood altering) drugs, including alcohol, except  
26 when the same are ordered by a health care professional legally authorized to do so as part of  
27 documented medical treatment. Respondent shall have sent to the Board, in writing and within  
28 fourteen (14) days, by the prescribing health professional, a report identifying the medication,



1 dosage, the date the medication was prescribed, the Respondent's prognosis, the date the  
2 medication will no longer be required, and the effect on the recovery plan, if appropriate.

3 Respondent shall identify for the Board a single physician, nurse practitioner or  
4 physician assistant who shall be aware of Respondent's history of substance abuse and will  
5 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
6 substances or mood-altering drugs. The coordinating physician, nurse practitioner, or physician  
7 assistant shall report to the Board on a quarterly basis Respondent's compliance with this  
8 condition. If any substances considered addictive have been prescribed, the report shall identify a  
9 program for the time limited use of any such substances.

10 The Board may require the single coordinating physician, nurse practitioner, or  
11 physician assistant to be a specialist in addictive medicine, or to consult with a specialist in  
12 addictive medicine.

13 18. **Submit to Tests and Samples.** Respondent, at her expense, shall  
14 participate in a random, biological fluid testing or a drug screening program which the Board  
15 approves. The length of time and frequency will be subject to approval by the Board.  
16 Respondent is responsible for keeping the Board informed of Respondent's current telephone  
17 number at all times. Respondent shall also ensure that messages may be left at the telephone  
18 number when she is not available and ensure that reports are submitted directly by the testing  
19 agency to the Board, as directed. Any confirmed positive finding shall be reported immediately  
20 to the Board by the program and Respondent shall be considered in violation of probation.

21 In addition, Respondent, at any time during the period of probation, shall fully  
22 cooperate with the Board or any of its representatives, and shall, when requested, submit to such  
23 tests and samples as the Board or its representatives may require for the detection of alcohol,  
24 narcotics, hypnotics, dangerous drugs, or other controlled substances.

25 If Respondent has a positive drug screen for any substance not legally authorized  
26 and not reported to the coordinating physician, nurse practitioner, or physician assistant, and the  
27 Board files a petition to revoke probation or an accusation, the Board may suspend Respondent

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1 from practice pending the final decision on the petition to revoke probation or the accusation.  
2 This period of suspension will not apply to the reduction of this probationary time period.

3 If Respondent fails to participate in a random, biological fluid testing or drug  
4 screening program within the specified time frame, Respondent shall immediately cease practice  
5 and shall not resume practice until notified by the Board. After taking into account documented  
6 evidence of mitigation, if the Board files a petition to revoke probation or an accusation, the  
7 Board may suspend Respondent from practice pending the final decision on the petition to  
8 revoke probation or the accusation. This period of suspension will not apply to the reduction of  
9 this probationary time period.

10 19. **Mental Health Examination.** Respondent shall, within 45 days of the  
11 effective date of this Decision, have a mental health examination including psychological testing  
12 as appropriate to determine her capability to perform the duties of a registered nurse. The  
13 examination will be performed by a psychiatrist, psychologist or other licensed mental health  
14 practitioner approved by the Board. The examining mental health practitioner will submit a  
15 written report of that assessment and recommendations to the Board. All costs are the  
16 responsibility of Respondent. Recommendations for treatment, therapy or counseling made as a  
17 result of the mental health examination will be instituted and followed by Respondent.

18 If Respondent is determined to be unable to practice safely as a registered nurse,  
19 the licensed mental health care practitioner making this determination shall immediately notify  
20 the Board and Respondent by telephone, and the Board shall request that the Attorney General's  
21 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
22 practice and may not resume practice until notified by the Board. During this period of  
23 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
24 is required, until the Board has notified Respondent that a mental health determination permits  
25 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
26 probationary time period.

27 If Respondent fails to have the above assessment submitted to the Board within  
28 the 45-day requirement, Respondent shall immediately cease practice and shall not resume

1 practice until notified by the Board. This period of suspension will not apply to the reduction of  
2 this probationary time period. The Board may waive or postpone this suspension only if  
3 significant, documented evidence of mitigation is provided. Such evidence must establish good  
4 faith efforts by Respondent to obtain the assessment, and a specific date for compliance must be  
5 provided. Only one such waiver or extension may be permitted.

6                   20.     **Therapy or Counseling Program.** Respondent, at her expense, shall  
7 participate in an on-going counseling program until such time as the Board releases her from this  
8 requirement and only upon the recommendation of the counselor. Written progress reports from  
9 the counselor will be required at various intervals.

10                   21.     **Termination of Probation** - Upon the satisfactory compliance with terms  
11 and conditions of probation, Respondents' license shall be restored in full force and effect.

12                   22.     **Execution of Signatures** - It is understood and agreed that facsimile  
13 copies of this Stipulation, including signatures, may be treated as the original document and  
14 signatures and that the signatures may be signed sequentially.

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DATED: 0-5-09

ENDORSEMENT

DATED: 12/11/2011

  
STEPHEN A. MILLS  
Deputy Attorney General  
Attorneys for Complainant

60047301.wpd

**Exhibit A**

**Accusation No. 2003-57**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 STEPHEN A. MILLS, State Bar No. 54145  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2539  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2003-57

11 **LAURIE ANN GILLESPIE,**  
12 **A.K.A. LAURIE ANN MAHONEY**  
910 N. French Street  
13 Santa Ana, CA 92701  
**Registered Nurse License No. 541832**

**A C C U S A T I O N**

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation  
19 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs.

21 2. On or about March 17, 1998, the Board of Registered Nursing ("Board")  
22 issued Registered Nurse License Number 541832 to Laurie Ann Gillespie, a.k.a. Laurie Ann  
23 Mahoney (hereinafter "Respondent"). The license expired on November 30, 2001, and it has not  
24 been renewed.

25 **STATUTORY PROVISIONS**

26 3. Section 2750 of the Business and Professions Code ("Code") provides, in  
27 pertinent part, that the Board may discipline any licensee, including a licensee holding a  
28 temporary or an inactive license, for any reason provided in Article 3 (commencing with section

1 2750) of the Nursing Practice Act.

2 4. Section 2764 of the Code provides, in pertinent part, that the expiration o

3 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding

4 against the licensee or to render a decision imposing discipline on the license.

5 5. Section 2811(b) of the Code provides, in pertinent part, that the Board ma

6 renew an expired license at any time within eight years after the expiration.

7 6. Section 125.3 of the Code provides, in pertinent part, that the Board may

8 request the administrative law judge to direct a licentiate found to have committed a violation or

9 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation

10 and enforcement of the case.

11 7. Section 2761 of the Code provides:

12 "The board may take disciplinary action against a certified or licensed

13 nurse or deny an application for a certificate or license for any of the following:

14 "(a) Unprofessional conduct, which includes, but is not limited to,

15 the following:

16 "(1) Incompetence, or gross negligence in carrying out

17 usual certified or licensed nursing functions."

18 8. Section 2762 of the Code provides:

19 "In addition to other acts constituting unprofessional conduct within the

20 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person

21 licensed under this chapter to do any of the following:

22 ".....

23 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or

24 unintelligible entries in any hospital, patient, or other record pertaining to the substances

25 described in subdivision (a) of this section."

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28 ///

**DRUGS**

9. "Morphine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M).

10. "Xanax," a brand of alprazolam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(1).

11. "Vistaril," a brand of hydroxyzine hydrochloride, is a dangerous drug within the meaning of Business and Professions Code section 4211 in that it requires a prescription under federal law.

**FIRST CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

12. Respondent's license is subject to disciplinary action under section 2761(a)(1) of the Code for commission of the following acts of gross negligence while employed as a register nurse at Greater El Monte Community Hospital, South El Monte, California:

a. **Patient "B":** On or about May 14, 1999, Respondent obtained 75mg. of Demerol and 75mg. of Vistaril for administration to Patient "B" without a physician's order to do so.

b. **Patient "C":** On or about May 15, 1999, Respondent obtained 75mg. of Demerol and 75mg. of Vistaril for administration to Patient "C" without a physician's order to do so.

c. **Patient "D":**  
1. On or about November 8, 1999, Respondent obtained a .5mg. dosage of Xanax for administration to Patient "D" without a physician's order to do so.

2. On or about November 9, 1999, Respondent obtained 10mg. of Morphine for administration to Patient "D" without a physician's order to do so.

**SECOND CAUSE FOR DISCIPLINE**

(False or Grossly Inconsistent Record Entries)

13. Respondent's license is subject to disciplinary action under section 2761(a) and section 2762(e) of the Code in that as set forth above under paragraph 12,



1 Respondent committed acts involving false, grossly incorrect, or grossly inconsistent entries in  
2 hospital, patient, or other records pertaining to controlled substances.

3 **PRAYER**


4 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
5 herein alleged, and that following the hearing the Board issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 541832 issued  
7 to Laurie Ann Gillespie, a.k.a. Laurie Ann Mahoney;

8 2. Ordering Laurie Ann Gillespie a.k.a. Laurie Ann Mahoney to pay the  
9 reasonable costs incurred by the Board in the investigation and enforcement of this case pursuant  
10 to section 125.3 of the Code;

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: 9/14/02

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15   
16 RUTH ANN TERRY, M.P.H., R.N.  
17 Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant  
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